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Attorney State Bar No. 51611

Attorney for Material Witness:  
JOSE FILOMENNO

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
(Honorable BARBARA J. MAJOR)

**UNITED STATES OF AMERICA,**

) CRIMINAL CASE 07CR3110-JM  
 ) MAGISTRATE CASE 07MJ8857-PCL  
 ) DATE: December 13, 2007  
 ) TIME: 10:30 A.M.

**Plaintiff,**

1

v.

i

**JOSE ALFONSO TORRES**

**PROOF OF SERVICE**

**Defendant:**

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## INTRODUCTION

I, the undersigned, state:

That I am over eighteen years of age, a resident of the County of San Diego, State of California, and not a party in the within action;

That my business address is: 830 23<sup>rd</sup> Street, San Diego,  
California 92102;

That I served the NOTICE OF MOTION and MOTION FOR VIDEOTAPE  
DEPOSITION OF MATERIAL WITNESS; DECLARATION OF ATTORNEY IN SUPPORT  
OF MOTION FOR VIDEOTAPE DEPOSITION OF MATERIAL WITNESS;

1      MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR  
2      SETTING VIDEOTAPE DEPOSITION OF MATERIAL WITNESS and the Proposed  
3      Order on counsel involved in this matter. These documents have been  
4      served on counsel of record and the AUSA via the Court's email  
5      notification system.

6            I certify under penalty of perjury that the foregoing is true  
7      and correct. Executed on November 26, 2007, at San Diego,  
8      California.

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10        /s/ Al Smithson  
11            AL SMITHSON, Attorney  
                For Material Witness

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